

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JUSTIN LINDSEY, *et al.*,

Plaintiffs

v.

TIRE DISCOUNTERS, INC.

Defendant

Case No. 2:15-cv-03065

Judge Frost

Magistrate Judge King

ORDER ENTERING THE PARTIES' JOINT PROPOSED NOTICE PLAN

THIS MATTER is before the Court upon the Parties' Joint Proposed Notice Plan (ECF No. 20) and Stipulation of Consent to Conditional Certification of a Nationwide FLSA Collective and to Court-Authorized Notice to the Collective (ECF No. 18). The Court has carefully reviewed same and after due consideration, it is:

ORDERED AND ADJUDGED that:

1. This Court hereby conditionally certifies the collective of all current and former Service Managers who work or worked for Defendant within the United States at any time since December 8, 2012 through the date of entry of this Order ("Putative Collective") pursuant to 29 U.S.C. § 216(b).

2. Within ten (10) days of the entry of this Order, Defendant shall provide to Plaintiffs the contact information for all Putative Collective members to include: (i) names; (ii) last known addresses; (iii) last known personal e-mail addresses; (iv) locations worked as Service Managers for Defendant; and (v) dates worked as Service Managers for Defendant (the "Class List").

3. Within ten (10) days of Defendant's production of the Class List, Settlement Services, Inc., acting as Claims Administrator, will distribute the Court-Authorized Notice and a Consent to Join forms attached as Exhibits A and B to the Parties' Joint Proposed Notice Plan [D.E. 20] to all Putative Collective members via both First Class U.S. Mail (with an enclosed postage-paid return envelope) and e-mail. Executed Consent to Join forms must be postmarked or otherwise received, including via facsimile or e-mail, by the Claims Administrator within sixty (60) days from the date on which the Notice and Consent to Join forms are mailed ("Notice Period").

4. Upon request, Defendant shall provide to the Claims Administrator within one (1) day of request the social security number of any Putative Collective member for whom the Claims Administrator cannot locate a current address. Claims Administrator shall only use this information to locate an appropriate address for the Putative Collective member and shall destroy the provided social security number upon close of the Notice Period.

5. To the extent any Notice and Consent to Join forms are returned as undeliverable, the Claims Administrator will attempt to locate an alternate address and re-mail the Notice and Consent to Join forms within seven (7) days of receiving the returned Notice and Consent to Join form(s). Re-mailed Consent to Join forms must be postmarked or otherwise received, including via facsimile or e-mail, by the Claims Administrator within forty-five (45) days from the date on which the Notice and Consent to Join forms are re-mailed.

6. Thirty (30) days after mailing the Court-Authorized Notice and Consent to Join forms, Claims Administrator shall issue a reminder postcard to all Putative Collective members who are yet to return executed Consent to Join forms.

7. Upon close of the Notice Period, the parties shall notify the Court and request a

status and scheduling conference to discuss a schedule for representative discovery, briefing on any potential motions for Rule 23 Class Certification, Decertification of the Collective, and Summary Judgment.

DONE AND ORDERED this 1st day of March, 2016.

/s/ GREGORY L. FROST

UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record